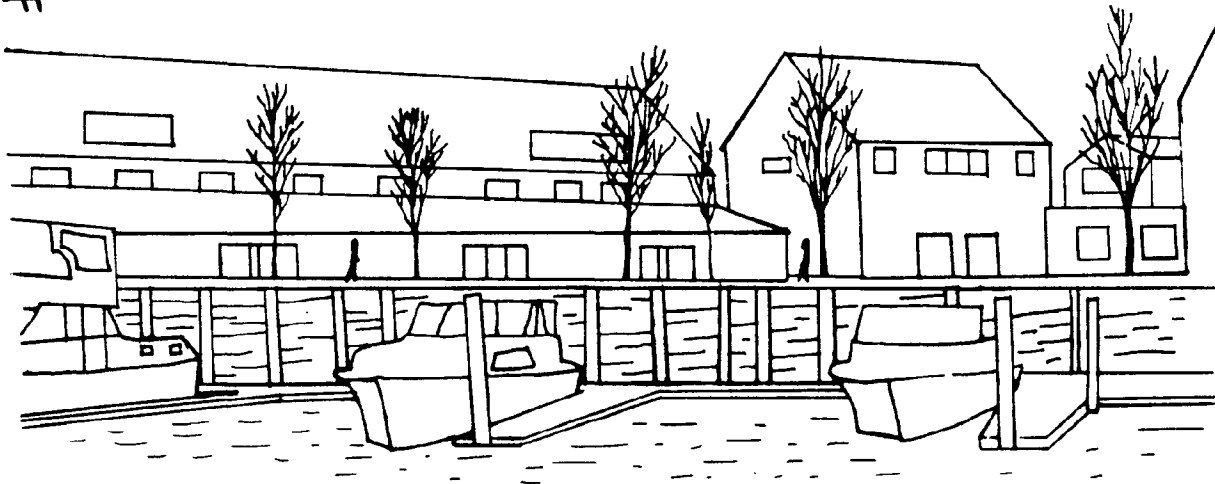


*Delaware Valley Regional Planning Commission.*

# WATERFRONT DEVELOPER'S PERMIT HANDBOOK



PREPARED BY:



DELAWARE VALLEY REGIONAL PLANNING COMMISSION  
AND THE

URBAN WATERFRONT ACTION GROUP  
THROUGH AGREEMENT WITH THE

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WATER RESOURCES MANAGEMENT  
DIVISION OF COASTAL ZONE MANAGEMENT

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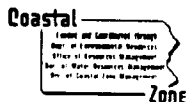
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# **WATERFRONT DEVELOPER'S PERMIT HANDBOOK**



**Delaware Valley Regional Planning Commission**  
The Bourse Building, 21 South 5th St., Philadelphia, PA 19106



**Pennsylvania Coastal Zone Management Program**  
**Department of Environmental Resources**  
Post Office Box 1467 Harrisburg, Pennsylvania 17120

**1989**

The Delaware Valley Regional Planning Commission (DVRPC) logo is adapted from the official seal of the Commission and is designed as a stylized image of the Delaware Valley. The outer ring symbolizes the region as a whole while the diagonal bar signifies the Delaware River flowing through it. The two adjoining crescents represent the Commonwealth of Pennsylvania and the State of New Jersey. The logo combines these elements to depict the areas served by DVRPC.

Created in 1965, DVRPC provides continuing, comprehensive and coordinated planning for the orderly growth and development of the Delaware Valley region. The interstate region includes Bucks, Chester, Delaware and Montgomery counties in Pennsylvania, and the City of Philadelphia; and Burlington, Camden, Gloucester, and Mercer counties in New Jersey. The Commission is an advisory agency which divides its planning and service functions between the Office of the Executive Director, the Office of Public Affairs, and four Divisions: Transportation Planning, Strategic Planning, Regional Information Services Center, and Finance and Administration. DVRPC's mission for the 1980s is to conduct high priority short term strategic studies for member governments and operating agencies, develop a long range comprehensive plan and provide technical assistance, data and services to the public and private sector.

This report was prepared by the DVRPC with funds provided by the Pennsylvania Department of Environmental Resources' Division of Coastal Zone Management.

# DELAWARE VALLEY REGIONAL PLANNING COMMISSION

## Publication Abstract

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### Geographic Area Covered:

Bucks, Delaware, and Philadelphia counties in Pennsylvania; Burlington, Camden, Gloucester and Mercer counties in New Jersey

### Key Words:

Permitting Process, UWAG, Wetlands, Urban Waterfront, Coastal Zone

## ABSTRACT

This Handbook describes the federal, state, and local permits necessary for waterfront development along the Delaware River. Use of the Urban Waterfront Action Group (UWAG) as an approach to obtaining these permits is discussed.

Preparation of this report and funding for the Urban Waterfront Action Group is financed through the Pennsylvania Coastal Zone Management Program under provisions of the Coastal Zone Management Act of 1972, administered by the Division of Coastal Zone Management, Bureau of Water Resources Management, Pennsylvania Department of Environmental Resources.

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## TABLE OF CONTENT

	<u>Page</u>
<b>CHAPTER I</b>	
Introduction	1
Purpose of UWAG	1
UWAG Membership	1
Purpose of Handbook	2
Suggested Permit Process	2
<b>CHAPTER II</b>	
Regulatory and Advisory Agencies	3
A. U.S. Army Corps of Engineers	3
Federal Advisory Agencies	5
B. Pennsylvania Department of Environmental Resources	8
State Advisory Agencies	9
C. New Jersey Department of Environmental Protection	11
New Jersey Review Agencies	12
D. Delaware River Basin Commission	13
<b>CHAPTER III</b>	
Local Permit Authority	15
A. Philadelphia Zoning and/or Use Registration Permits	15
B. Building Permits	16
C. Preliminary Plan Approval	16
D. Philadelphia's Floodplain Ordinance	16
<b>CHAPTER IV</b>	
Interstate and Quasi-Public Agencies	17
A. Delaware Valley Regional Planning Commission	17
B. Delaware River Port Authority	18
C. Philadelphia Port Corporation	18
Permitting Chart - Figure I	21
UWAG Membership	23

## CHAPTER I

### INTRODUCTION

There are a variety of federal, state, and local permitting and coordinating actions which must precede construction, dredging, and/or filling activities in or adjacent to the Delaware Estuary and its tidal tributaries. This Waterfront Developer's Permit Handbook encapsulates for potential waterfront developers the various permitting and advisory agencies and their missions and procedures. Compiled by the Delaware Valley Regional Planning Commission (DVRPC) for the Urban Waterfront Action Group (UWAG), its purpose is to simplify and clarify the permit process for waterfront development in the Delaware River Estuary.

### PURPOSE OF UWAG

The UWAG was created in 1980 through the Pennsylvania Coastal Zone Management Program to provide "one-stop shopping" for information about waterfront development permits in the Delaware Estuary. The UWAG meets monthly, as needed, at the DVRPC to provide a pre-permit application conference service whereby potential waterfront developers and regulatory agencies can meet to identify and hopefully resolve potential permitting issues. This conference is designed to take place in advance of detailed project engineering. This service is offered on a purely voluntary basis to anyone interested in developing or expanding a waterfront project in the Delaware Estuary. Each permitting agency has different procedures; a permit by one agency does not guarantee a permit from another.

### UWAG MEMBERSHIP

The UWAG is composed of representatives of the following agencies, with other agencies and institutions participating on an ad hoc basis:

#### REGULATORY AGENCIES

U.S. Army Corps of Engineers  
Pennsylvania Department of Environmental Resources  
New Jersey Department of Environmental Protection  
Delaware River Basin Commission

#### ADVISORY AGENCIES

U.S. Environmental Protection Agency  
U.S. Fish and Wildlife Service  
National Marine Fisheries Services  
U.S. Coast Guard

## ADVISORY AGENCIES - (Continued)

Pennsylvania Division of Coastal Zone Management  
Pennsylvania Fish Commission  
Pennsylvania Historical and Museum Commission  
Pennsylvania Department of Community Affairs

## LOCAL PERMIT AUTHORITY

Philadelphia City Planning Commission  
Bucks County Planning Commission  
Delaware County Planning Commission

## INTERSTATE AND QUASI-PUBLIC AGENCIES

Delaware Valley Regional Planning Commission  
Delaware River Port Authority  
Philadelphia Port Corporation

## **PURPOSE OF THIS HANDBOOK**

This Handbook provides waterfront developers an overview of the permitting requirements for projects proposed in or adjacent to the Delaware Estuary. The intent is to outline the jurisdictions and responsibilities of the agencies and the role of the UWAG early in project planning in order to help developers identify the permitting hurdles which must be cleared before their waterfront projects can be constructed. The Handbook should not be substituted for specific permit information from various agencies.

## **SUGGESTED PERMIT PROCESS**

Waterfront developers may contact the permitting agencies individually; however, the UWAG and the Pennsylvania Department of Environmental Resources' Division of Coastal Zone Management suggest that waterfront developers pursue the following permit process:

- Step 1 - Review the Handbook - This Handbook enables developers to familiarize themselves with the membership and function of the UWAG and to identify the permits that their particular projects might require.
- Step 2 - Request and Participate in a UWAG Meeting - The UWAG meeting enables developers to informally present proposed projects early in the planning stages for comments and advice on permit matters relating to the projects.
- Step 3 - Prepare Formal Applications - Based on the advice received from the UWAG, developers can submit their completed permit applications to the appropriate agencies.

## CHAPTER II

### REGULATORY AND ADVISORY AGENCIES

There are four regulatory agencies - one at the federal level; two at the state level; and one at the interstate level - which process permit applications for waterfront development in the Delaware Estuary. The U.S. Army Corps of Engineers (CORPS), the Pennsylvania Department of Environmental Resources (PADER), the New Jersey Department of Environmental Protection (NJDEP), and the Delaware River Basin Commission (DRBC) are permit issuing agencies. These agencies coordinate with other federal and state advisory agencies to ensure a comprehensive permit application review. Each of these regulatory agencies is profiled below with profiles of their respective advisory agencies. Please refer to the Permit Flow Chart, page 21.

#### A. U.S. ARMY CORPS OF ENGINEERS (CORPS)

As the principal federal water resource agency, the U.S. Army Corps of Engineers is responsible for development and management of the nation's water resources. The Corps' Regulatory authority is derived principally from two federally enacted laws; Section 10 of the River and Harbor Act of 1899 and Section 404 of the Federal Water Pollution Control Act of 1972 (Clean Water Act).

##### Section 10 of the River and Harbor Act of 1899

Section 10 requires permits from the Corps for the following:

- o Structures in navigable waters such as piers, breakwaters, bulkheads, revetments, power transmission lines and aids to navigation.
- o Work performed in navigable waters, including dredging and stream channelization, excavation, and filling.
- o Any work that is performed outside the limits of a navigable waterway which affects its navigable capacity.

Please note: Construction of bridges over navigable waterways must receive permits from the U.S. Coast Guard.



## Section 404 of the Clean Water Act

Section 404 of the Clean Water Act establishes a permit program, administered by the Corps, to regulate the discharge of dredged or fill material into waters of the United States, including adjacent and isolated wetlands. This includes return water from dredged material disposed upland and any fill material used to construct fast land for site development, roadways, erosion protection, etc. As part of the 404 permit, a Section 401 Water Quality Certificate will be required from the state environmental agency.

### Permit Decision

The evaluation of the public benefits and liabilities of each proposed project is integral to the Corps' public interest balancing process. Factors which the Corps considers may include conservation, economics, aesthetics, wetlands, cultural values, navigation, fish and wildlife values, water supply, water quality, and any other factors judged important to the needs and welfare of the people. The following general criteria are considered in evaluating all applications:

- o the extent of public and private need;
- o the practicability of using reasonable alternative locations and methods to accomplish project purposes where conflicts over resource use exist; and,
- o the extent and permanence that the beneficial and/or detrimental effects of the proposed project may have on public and private uses.

No permit is granted if the proposal is found to be contrary to the public interest.

### Processing Times

On average, individual permit applications are processed within 60 to 90 days after receipt of a complete application. However, applications that generate significant controversy on environmental impacts may require processing times greater than 90 days.

### Navigational Servitude

Navigable waters of the United States are those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high water mark and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. The term includes

coastal and inland waters, lakes, rivers, and streams that are navigable, and the oceans. The mean high water shoreline is the landward most limit of the Corps' jurisdiction pursuant to Section 10 of the River and Harbor Act of 1899.

In addition, pursuant to the Water Resources Development Act of 1988, portions of the Delaware River in Philadelphia, Pennsylvania which are or will be bulkheaded or filled or occupied by permanent structures, including marinas, have been declared to be non-navigable waters of the United States, unless the Secretary of the Army finds that proposed projects to be undertaken within these areas are not in the public interest.

While the Corps' District Office is responsible for making this public interest determination, the areas contained in the navigational servitude declaration under 1972 legislation is that portion of the central riverfront extending from Callowhill Street south to Catharine Street. The 1988 legislation included the following piers (north to south):

1. Riverside Industrial Park - At Richmond and Dyott Streets, north of the central riverfront
2. Piers 40-50 North - Poplar to Shackamaxon Streets
3. Pier 25 North - North of Callowhill Street, south of Pier 25
4. Pier 24 North - North Callowhill Street
5. Piers 53, 55, 56 and 57 South - south of Washington Avenue

#### FEDERAL ADVISORY AGENCIES

At the federal level there are agencies which are "advisory" to the Corps' permit process. While they are considered to be consultative, under certain circumstances they can determine the outcome of the permit process. Before the U.S. Army Corps of Engineers makes a permit decision under Section 10 or Section 404, interagency coordination is required between the Corps, the Environmental Protection Agency (EPA), and the Departments of Interior, Commerce, and Transportation. The recommendations received from those agencies are fully considered by the Corps in making their final permit decision.

If a project is anticipated to have a significant environmental impact by the advisory agencies, they will consider the following factors:

- o Alternatives: Can the project be modified or the design altered to minimize impacts to aquatic resources without significantly altering the purpose or function of the original proposal?
- o Water-dependency: Is it necessary for the project to be located in or adjacent to the water, such as marinas and port facilities?

In some instances, the federal advisory agencies may recommend compensation in the form of wetland creation to offset the loss or degradation of habitat. Compensation is tailored to the particular site and project.

A brief description of each federal advisory agency is presented:

1. U.S. Environmental Protection Agency (EPA)

The EPA was created as a federal regulatory agency to coordinate and initiate governmental action to abate and control pollution. A variety of research, monitoring, standard setting, permitting and enforcement activities are involved.

The EPA reviews Sections 10 and 404 permit applications, and provides comments on the environmental aspects, including consideration of the type of material to be used in the development project. It also evaluates whether the project is water-dependent. The EPA then forwards its comments and recommendations to the U.S. Army Corps of Engineers, which evaluates the application. Section 404(c) provides EPA with the authority to override a Corps' 404 permit decision if EPA determines that the discharge of dredged or fill materials will have unacceptable adverse effects on municipal water supplies, shellfish beds and fishing areas (including spawning and breeding areas), wildlife, or recreational areas.

EPA's actions on Sections 10 and 404 permit review will reflect a firm policy that unavoidable \*impacts to shallows and wetlands will be offset by the restoration and creation of shallows and wetlands. Restoration or creation of wetlands will not be substituted when practicable alternatives having less environmental impacts are available. Non-water dependent development (e.g., residential)

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\*In making this review, the EPA will consider cost, existing technology and logistics in light of the overall project purpose.

should be maintained within the "footprint" of existing and currently serviceable piers.

2. U.S. Fish and Wildlife Service (USFWS)

Under the Fish and Wildlife Coordination Act of 1958, the USFWS advises the Corps about potential impacts on fish and wildlife resources caused by proposed projects. The USFWS does not issue permits for work in or along streams or wetlands; however, in appropriate cases they will recommend that proposals be modified or reduced to avoid negative impacts. The USFWS will provide technical assistance to developers in devising permit-related impact mitigation plans.

3. National Marine Fisheries Service

Within the Department of Commerce, the National Marine Fisheries Service is mandated to protect, enhance, and restore commercial and recreational marine, estuarine, and anadromous fisheries. It is also charged by the Fish and Wildlife Coordination Act with reviewing in a consultative capacity those actions requiring federal permits and their potential effects on living marine, estuarine, and anadromous resources and their habitats.

4. U.S. Coast Guard (USCG)

As the principal maritime safety and law enforcement agency of the federal government, the USCG is charged with the protection of vessels, harbors, and waterfront facilities. The USCG serves as an advisor to the U.S. Army Corps of Engineers in the waterway construction permit program.

Under the Ports and Waterways Safety Act of 1972, the USCG is authorized to:

- o Establish and enforce controls over vessels, anchorages, transfer facilities, bridges and other related activities.
- o Monitor the transit of all commercial vessels in order to maintain a safe waterway for commercial and recreational navigation.
- o Regulate waterfront facilities and grant general permits to operate such facilities.
- o Regulate and inspect "designated waterfront facilities" which handle flammable or combust-

ible liquid in bulk, packaged dangerous cargo, or other hazardous materials.

The U.S. Coast Guard is also authorized to do the following:

- o Issue letters of adequacy to facilities which transfer oil.
- o Issue hot work (e.g., welding) permits to "designated waterfront facilities."
- o Issue initial bridge construction and repair permits, and perform lighting requirements on all bridges that span a navigable waterway.

B. PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL RESOURCES (PADER)

The Bureau of Dams and Waterway Management (BDWM), within the PADER, is the regulatory agency for the Commonwealth regarding development along the state's waterways. Permits are issued under the following two statutes (which apply to projects within the 100-year floodplain of a stream).

Dam Safety and Encroachments Act (Act of 1978, P.L. 1375, No. 325, as amended by Act 70)

This Act regulates construction, operation, maintenance, modification or abandonment of dams, water obstructions or encroachments in, along, across or projecting into any watercourse, floodway or body of water (including wetlands) whether temporary or permanent. Prior to starting any work, a permit must first be obtained from the BDWM. All applications for permits must be in conformance with the Act's Chapter 105 Rules and Regulations.

The Act further provides that those obstructions or encroachments occupying or using the submerged lands of the Commonwealth must first secure a license agreement for use of such submerged lands. The permit application for projects involving submerged lands will also be considered the application for a license agreement, and the BDWM will prepare such an agreement from the information provided.

Flood Plain Management Act (Act of 1978, P.L. 851, No. 166)

The Act requires that persons who intend to construct, modify, remove, abandon or destroy any structure or engage in any activity within the 100-year flood plain

to apply for and obtain a permit from the BDWM. This Act gives the PADER exclusive jurisdiction to regulate: any obstruction otherwise regulated under the Dam Safety and Encroachments Act; any flood control project, highway or other obstruction owned, constructed or maintained by a governmental unit or a political subdivision thereof; and any obstruction owned or maintained by a person engaged in the rendering of a public utility service.

#### PADER/Corps of Engineers Joint Permit Application

In Pennsylvania all applications for a Corps permit under Section 10 of the River and Harbor Act or Section 404 of the Clean Water Act or a PADER waterway obstruction permit are to be submitted on a joint application form. By using this form, the applicant simultaneously applies for both the Corps' and PADER permits.

#### STATE ADVISORY AGENCIES

In Pennsylvania there are five state agencies which are advisory to the federal and/or state permit processes. Like the federal advisory agencies, these state agencies, under some circumstances, can impact waterfront development projects and affect whether or not permits are issued.

##### 1. Division of Coastal Zone Management (DCZM)

The Division of Coastal Zone Management, within the PADER, is responsible for implementing Pennsylvania's Coastal Zone Management (CZM) Program. The CZM program was developed in response to the Coastal Zone Management Act of 1972 to address development pressures affecting the shoreline of the country's oceans, estuaries and Great Lakes.

Although the Pennsylvania CZM Program issues no permits or licenses of its own, it is mandated to review certain applications for state and federal permits and licenses for consistency with CZM Program policies. If the activity is found to be inconsistent with CZM policies, permits will not be issued.

Persons or agencies required to obtain these federal permits shall submit a copy of the license or permit application to the Pennsylvania CZM Program, certifying that the proposed activity will comply with and be conducted in a manner consistent with the management program. Upon receipt of the license/permit application, consistency certification and any additional necessary information the Pennsylvania CZM Program will begin its review.

For those applicants applying for a Corps permit, the submission of the federal application and consistency certification to CZM is not necessary, as they have been incorporated into the PADER/U.S. Army Corps of Engineers Joint Permit Application process. After receipt of the required certification materials, the CZM Program will make a consistency determination within the mandated time frames, and will inform both the applicant and pertinent federal agency of its decision. If a decision is not made within the mandated time frames, concurrence will be presumed.

The DCZM also reviews certain state permit applications for consistency with the CZM Program. These reviews are accomplished through the normal state permit review processes and are made within 30 days. Consistency decisions are not sent to applicants as the issuance of the state permit signifies consistency with the CZM Program.

2. Division of Rivers and Wetlands Conservation (DRWC)

The DRWC, within the Department of Environmental Resources, is responsible for implementing Pennsylvania's Wetlands Protection Program. Although the DRWC issues no permits or licenses of its own, it is mandated to review all previously mentioned "joint permit" applications for state permits for consistency with the Dam Safety and Encroachments Act to protect wetlands. If the activity is found to be inconsistent with the Dam Safety and Encroachments Act concerning wetlands, permits will not be issued.

3. Pennsylvania Fish Commission (PFC)

The PFC is charged with protecting and promoting the fishery resources of the Commonwealth. The PFC reviews applications to the BDWM for permits under the Dam Safety and Encroachments Act. The permit applications are circulated within the PFC for comments.

4. Historical and Museum Commission

According to the National Historic Preservation Act of 1966 and the Pennsylvania Historic Preservation Act of 1978, federal and state agencies have a responsibility to consider the effects of their undertakings (projects, permits and grants) on cultural resources listed in or eligible for listing in the National Register of Historic Places.

When there is a federal or state involvement in any project, regulations require consultation with the Bureau for Historic Preservation to determine if significant cultural resources are within a project area, what effect the project may have on them and ways to avoid or mitigate any adverse effects.

5. Department of Community Affairs (DCA)

The DCA is involved in waterfront development through the Pennsylvania Floodplain Management Act of 1978 (Act 166). Act 166 requires local governments to enact regulations for management of hazardous materials and special obstructions in floodplain areas. Under the Act, the DCA may review applications for special permits if such activities are permitted under local regulations.

C. NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP)

Within the NJDEP the Division of Coastal Resources (DCR) is charged with responsibility for implementing New Jersey's Coastal Zone Management Program.

The DCR issues development permits for the New Jersey portion of the Delaware Estuary under four statutes: the Waterfront Development Act, the Wetlands Act, the Coastal Area Facilities Review Act and the Freshwater Wetlands Protection Act.

Coastal Area Facilities Review Act (CAFRA) - In the Delaware Estuary CAFRA applies only to that portion of New Jersey shoreline below a line of demarcation which runs through Salem County. Within that jurisdiction all residential developments, and most industrial and commercial developments in the coastal zone, require a CAFRA permit and an Environmental Impact Statement.

Wetlands Act - In the Delaware Estuary this Act designates wetland areas in New Jersey which would require a permit for development. Two types of wetland permits are issued: Type A for non-filling impact and Type B for impacts caused by dredging or filling activities.

Waterfront Development Act - In the Delaware Estuary this Act requires permits for waterfront development: (a) below the Mean High Water (MHW) line for the New Jersey bay shore and for certain upland development within 1,000 feet of beaches, dunes, tidal waters and/or wetlands within the CAFRA boundaries. The CAFRA boundaries within the Delaware Estuary includes an area from the Delaware Bay north and to approximately nine



miles south of the Delaware Memorial Bridge. The Upland Waterfront Development Regulations affect the building and construction in the CAFRA zone for projects less than CAFRA size, or (b) for projects located outside CAFRA boundaries, a permit may be required for projects located below the MHW line up to 500 feet inland. Permit applicability is determined upon site plan review and/or inspection by the Bureau of Coastal Enforcement and Field Services (BCEFS).

Freshwater Wetlands Protection Act - Regulates virtually all activities proposed within any freshwater wetland throughout the state pursuant to the "Freshwater Wetlands Protection Act," effective on July 1, 1988. In addition, subsequent to July 1, 1989, the Act will regulate development in "Transition Areas" (buffers) which can extend up to 150 feet from the wetlands limit. The BCEFS also verifies the accuracy of wetland delineations performed by private consultants in accord with the "EPA Wetland Identification and Delineation Manual" in the context of an application for a Letter of Interpretation. The BCEFS also reviews individual applications for Water Quality Certificates when they are not associated with other permit programs of the DCR and issues Open Water Fill permits for any activity which involves the deposition of fill material into State Open Waters (water areas which are above the head of tide).

The Freshwater Wetlands Protection Act also requires the BCEFS to conduct an inventory, and to map the freshwater wetlands of the state. This effort should be completed some time during the summer of 1991.

#### NEW JERSEY REVIEW AGENCIES

1. Bureau of Coastal Project Review - Reviews all permit applications to assure compliance with the Waterfront Development Act, the Coastal Area Facility Review Act, the Coastal Wetlands Act, the Clean Water Act Section 401 (Water Quality Certification) and the Coastal Zone Management Plan Certification (Federal Consistency). Consistency decisions are not sent to applicants as the issuance of the state permit signifies consistency with the CZM Program. Projects are reviewed for a wide variety of environmental, social and economic impacts and must be consistent with the Rules on Coastal Resources and Development Policies of the New Jersey Coastal Zone Management Program.
2. Bureau of Tidelands - Reviews all applications for grants, leases and licenses of state-owned tidelands. In the event that a site proposed for

development includes state-owned tidelands for which no tidelands conveyance has been issued, the applicant must apply to the Tidelands Resource Council for a grant, lease or license as well as applying for the required coastal permit. This bureau handles issues involved in title of lands and other real estate functions.

3. Bureau of Coastal Enforcement and Field Services- Inspects for illegal development, enforces coastal permit decisions, and assists potential permit applicants. As part of this assistance this bureau determines, upon written request, the permit requirements of a particular project site.
4. Bureau of Freshwater Wetlands - Regulates any activity including dredging, excavation or removal of soil, drainage or disturbance of the water levels, filling or discharge of any materials, driving of pilings, placing of obstructions or the destruction of plant life within the boundaries of a freshwater wetland. This bureau issues freshwater wetland, Statewide General, and Open Water Fill Permits and Letters of Interpretation for single family homeowners on properties smaller than one acre.

D. DELAWARE RIVER BASIN COMMISSION (DRBC)

The DRBC was created by interstate-federal compact (87-328) in 1961 to establish a coordinated regional planning agency to plan, manage and protect the Delaware River basin's water resources. Under the provisions of the DRBC Compact, the DRBC is charged with protecting the water resources of the 12,500 square mile watershed. The DRBC maintains a Comprehensive Plan for the development of the water resources of the basin.

Section 3.8 of the Compact mandates that all projects having a substantial effect on the water resources of the basin must be submitted to and approved by the DRBC. Section 3.8 also specifies that the DRBC must approve an application if the project does not substantially impair or conflict with the Comprehensive Plan. When a conflict exists, the DRBC, as charged in its Compact, may modify and approve or disapprove a project.

Listed below are the types of projects reviewed by the DRBC as outlined in its Rules and Regulations:

1. Impoundments
2. Ground and Surface Water Withdrawal
3. Diversion of Water Into or Out of the Delaware Basin

4. Stream Channel Modification
5. Discharge of Pollutants Into Basin Waters
6. Interceptors, Pipelines, Electric Power and Communication Lines
7. Substantial Flood Plain Encroachments
8. Change in Infiltration Area
9. Hydroelectric Power Projects
10. Government Agency Projects Affecting Water Resources
11. Draining or Filling of Marshes (25 acres or more)
12. Regional Waste Water Treatment Plans
13. Floodplain Regulations

## CHAPTER III

### LOCAL PERMIT AUTHORITY

All development projects in the Pennsylvania coastal zone require permits from the local municipality. These permits can include zoning, use and/or building permits. Philadelphia's permit requirements are outlined below as an example of the type of municipal permits that a waterfront development project may require.

Bucks and Delaware counties, and their municipalities are covered by Act 247, "The Pennsylvania Municipalities Planning Code." Essentially, the county planning agencies review zoning, subdivision and land development plans, and offer advisory comments to the local municipalities. The municipalities, in turn, also review the above, but make the actual decision on whether to grant approval. The respective county planning agency or municipality should be contacted for more detailed information on local requirements.

#### A. PHILADELPHIA ZONING AND/OR USE REGISTRATION PERMITS

- o Zoning Permits are required for new construction, for the erection of new buildings and structures, and additions to existing buildings and structures. In the case of new construction, a Use Registration Permit is also required.
- o Use Registration Permits are required for every use on any land or in any existing building or structure. If the roof or structure of an existing building will be substantially altered, a zoning permit is also required.
- o Requirements for certain types of zoning applications are to be secured before filing a Zoning or Use Registration Application.

If a parcel or area of a deeded property is subdivided into two or more parcels, a registered architect, engineer or land surveyor must seal the plot plan submitted for approval to the City Planning Commission.

The Department of Streets must approve:

- o Zoning applications proposing new buildings, additions or other facilities which would extend partly or wholly into any street (whether open or not open) confirmed on the City plan.

- o Driveway and depressed curb locations, open air parking lots for more than three vehicles, and public garages.
- o Street lot lines, curb lines and sidewalk widths.

#### B. BUILDING PERMITS

Building permits from the Department of Commerce are required for construction, repair, alteration, demolition or addition to a structure and foundations for tanks and equipment; or for the construction or demolition of ducts, sprinkler systems, or standpipe systems.

#### C. PRELIMINARY PLAN APPROVAL

On a major project, it may be advantageous to file skeleton plans showing floor layout, exit conditions, general types of construction and dimensions before completing detailed working drawings. Such a service enables one to make changes for code compliance before the plans are fully developed, and saves considerable time and frustration.

Of special concern for any development along the waterfront area:

1. Fire Protection
  - a. Fire Department vehicle access
  - b. Protected paths to open space
  - c. Distances between buildings
  - d. Exits from buildings
2. Utility service to piers

#### D. PHILADELPHIA'S FLOODPLAIN ORDINANCE (PFO)

The principal local law affecting riverfront development is the PFO. Along the Delaware River, the PFO requires that no residential structures be built lower than one foot above the regulatory flood elevation. Along the Delaware River this elevation is approximately ten feet Mean Sea Level or 4.3 feet City datum. Nonresidential structures may only be built lower than one foot above the regulatory flood elevation if the structure is floodproofed and if a variance is obtained from the Zoning Board of Adjustment.

## CHAPTER IV

### INTERSTATE AND QUASI-PUBLIC AGENCIES

There are three interstate and/or quasi-public agencies which can become involved in waterfront development in the Delaware Estuary: the Delaware Valley Regional Planning Commission (DVRPC), the Delaware River Port Authority (DRPA), and the Philadelphia Port Corporation (PPC). A brief description of each agency and its potential involvement follows.

#### A. DELAWARE VALLEY REGIONAL PLANNING COMMISSION (DVRPC)

The DVRPC, formed in 1965, is the metropolitan planning organization for the Delaware Valley, an interstate, intercounty and intercity area that includes five Pennsylvania counties - Bucks, Chester, Delaware, Montgomery and Philadelphia; and four New Jersey counties - Burlington, Camden, Gloucester and Mercer. It also includes four major cities - Philadelphia (also a county), Camden, Chester and Trenton.

DVRPC provides continuing comprehensive and coordinated planning for the orderly growth and development of the region; working closely with member state and local governments in the region. Through its data collection, research, and planning activities, DVRPC provides consulting services to both governmental and other public agencies and the private sector.

DVRPC's role in waterfront development in the Delaware Estuary is established by contract with Pennsylvania's CZM Program. As CZM's representative in the Delaware Estuary, DVRPC has the following principal tasks:

- o Maintain coordination with local governments, state and federal agencies, and the general public to further the national issue areas of the CZM Act and the policies of the Pennsylvania CZM Program.
- o Provide technical assistance related to Pennsylvania's CZM Program policies to citizens, local governments, state and federal agencies (includes the meetings of the UWAG and development of this document).
- o Provide appropriate administrative support at the local/regional level for the ongoing implementation of the Pennsylvania CZM Program.

B. DELAWARE RIVER PORT AUTHORITY (DRPA)

The DRPA, formed by interstate compact in 1952, operates and maintains various bridges and the high speed rail line between Philadelphia and New Jersey, and promotes marketing of the Ports of Philadelphia through its World Trade Division.

The Delaware River Port Authority Compact implies jurisdiction from "Trenton to the Sea" for port development. The Delaware River Port Authority's jurisdiction includes all the river-fronting counties in the tri-state region from the Falls near Trenton to the Capes at the Atlantic Ocean.

The DRPA is not a regulatory agency and does not issue or approve permits. The DRPA could provide funds for new port construction or operation. The bridges and high speed line that the DRPA administers are direct revenue-producing operations; and funds could be made available from these resources for port development as well as from bonds issued by the agency.

C. PHILADELPHIA PORT CORPORATION (PPC)

The PPC was formed in 1965 as a non-profit corporation. State and local officials, and business leaders comprise a board for the corporation's operations. As stated in the Philadelphia Port Corporation Articles of Incorporation, the organization has three primary purposes:

- o to promote waterborne commerce in the Port
- o to maintain and modernize the Port's existing facilities
- o to design, construct and manage newly constructed facilities

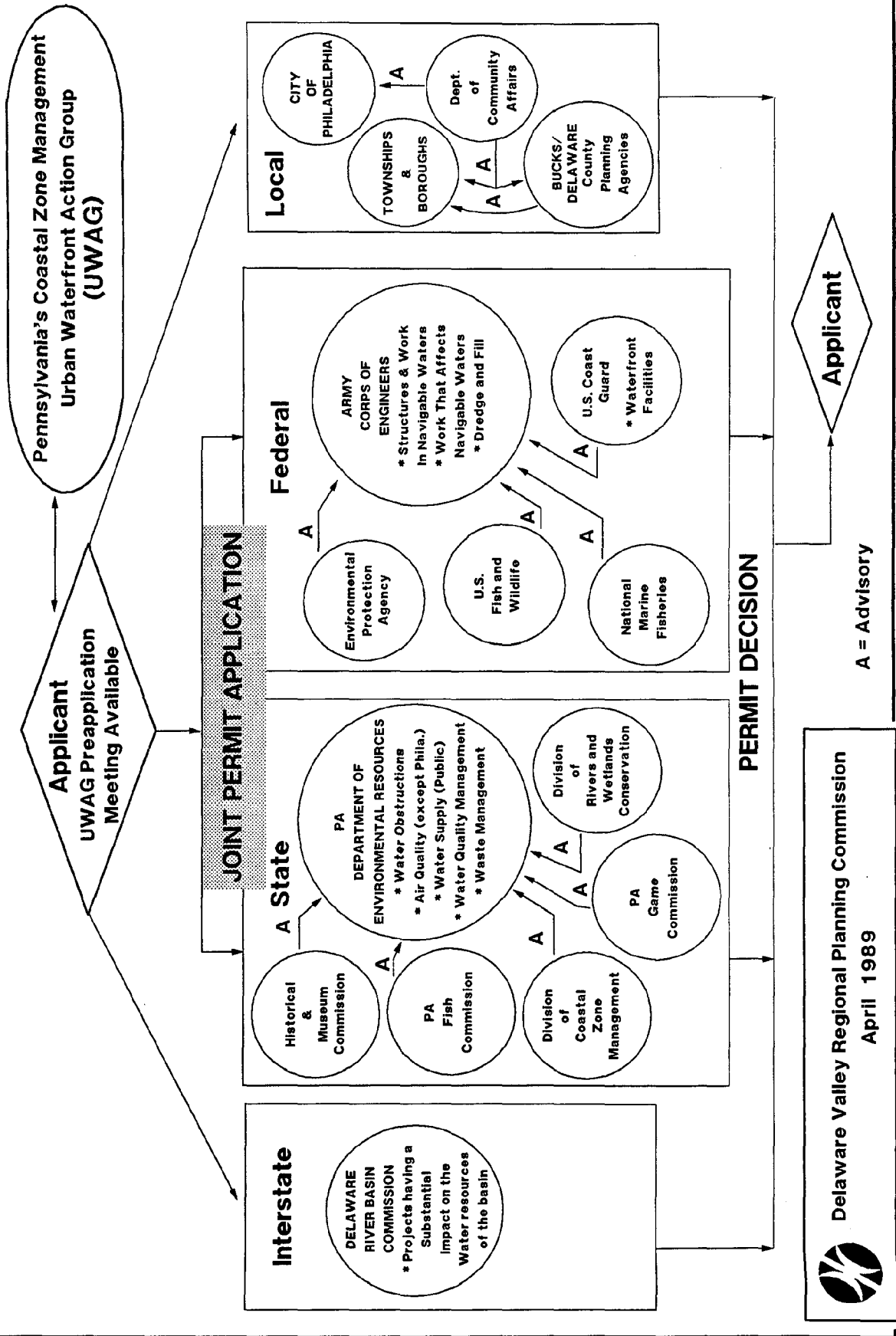
To fulfill its mandate, the PPC has an agreement with the City of Philadelphia. Out of this agreement grew the PPC's role as a marine terminal "landlord."

#### **FOR MORE INFORMATION**

A list of the agency representatives in the UWAG follows should more specific information about the permit process of regulatory agencies or the consultative role of the advisory agencies be required. However, prior to individual contacts, the UWAG recommends contacting DVRPC's Coastal Zone Coordinator in the Strategic Planning Division of the Delaware Valley Regional Planning Commission at (215) 592-1800. The Coordinator can help answer questions regarding this Handbook and arrange an informal project presentation to the assembled UWAG. Meetings are usually held on the second Tuesday of the month if there is an item of business. Developers are requested to submit project information prior to the mailing of the meeting notice (about two weeks before the scheduled meeting) to allow timely transmittal to the UWAG membership.



# **FIGURE I** **PENNSYLVANIA PERMIT PROCESS FOR WATERFRONT DEVELOPMENT**



**URBAN WATERFRONT ACTION GROUP  
CONTACTS**

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\*Permitting Agency

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\*\*Issues permits for air and  
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